



DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

Docket Number FRA-2015-0131

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated September 22, 2015, Keolis Commuter Services (Keolis), contract operator of the Massachusetts Bay Transportation Authority's (MBTX) commuter rail system, has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR Part 238, Passenger Equipment Safety Standards. FRA assigned the petition Docket Number FRA-2015-0131.

Keolis seeks a temporary waiver of compliance from the requirements of 49 CFR 238.115(b)(2) regarding passenger car emergency lighting until October 31, 2016. Keolis is seeking this temporary relief because 70 percent of its rolling stock fleet (233 of 332 coaches encompassing series: 200, 300, 500, 600, 700, 1500, 1600, and 1700), ordered prior to September 8, 2000, and placed into service prior to September 9, 2002, will not meet the emergency lighting requirement deadline of December 31, 2015. Keolis justifies the need for this deadline because of the delay in finding qualified vendors and adding the required labor forces to successfully complete this installation. MBTX rolling stock fleet was not in compliance with all applicable safety standards. The extra time sought in this

petition will allow Keolis to finish its ongoing program (58 coaches have been upgraded to date) so that 70 percent of this rolling stock is in compliance.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- Web site: <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- Fax: 202-493-2251.
- Mail: Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12-140, Washington, DC 20590.
- Hand Delivery: 1200 New Jersey Avenue, SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by [INSERT DATE 45 DAYS FROM PUBLICATION OF THIS NOTICE] will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy. See also <http://www.regulations.gov/#!privacyNotice> for the privacy notice of [regulations.gov](http://www.regulations.gov).

Issued in Washington, DC.

Robert C. Lauby
Associate Administrator for Railroad Safety
Chief Safety Officer.

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